

such frequencies in a timely manner and in no event later than the date required by section 157 of this title.

(Pub. L. 102-538, title I, § 117, as added Pub. L. 103-66, title VI, § 6001(a)(3), Aug. 10, 1993, 107 Stat. 386.)

CHAPTER 9—INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS

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| Sec. | |
| 1001. | Definitions. |
| 1002. | Assistance capability requirements. |
| | (a) Capability requirements. |
| | (b) Limitations. |
| | (c) Emergency or exigent circumstances. |
| | (d) Mobile service assistance requirements. |
| 1003. | Notices of capacity requirements. |
| | (a) Notices of maximum and actual capacity requirements. |
| | (b) Compliance with capacity notices. |
| | (c) Notices of increased maximum capacity requirements. |
| | (d) Carrier statement. |
| | (e) Reimbursement required for compliance. |
| 1004. | Systems security and integrity. |
| 1005. | Cooperation of equipment manufacturers and providers of telecommunications support services. |
| | (a) Consultation. |
| | (b) Cooperation. |
| 1006. | Technical requirements and standards; extension of compliance date. |
| | (a) Safe harbor. |
| | (b) Commission authority. |
| | (c) Extension of compliance date for equipment, facilities, and services. |
| 1007. | Enforcement orders. |
| | (a) Grounds for issuance. |
| | (b) Time for compliance. |
| | (c) Limitations. |
| 1008. | Payment of costs of telecommunications carriers to comply with capability requirements. |
| | (a) Equipment, facilities, and services deployed on or before January 1, 1995. |
| | (b) Equipment, facilities, and services deployed after January 1, 1995. |
| | (c) Allocation of funds for payment. |
| | (d) Failure to make payment with respect to equipment, facilities, and services deployed on or before January 1, 1995. |
| | (e) Cost control regulations. |
| 1009. | Authorization of appropriations. |
| 1010. | Reports. |
| | (a) Reports by Attorney General. |
| | (b) Reports by Comptroller General. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 229 of this title; title 18 sections 2518, 2522, 3124.

§ 1001. Definitions

For purposes of this chapter—

(1) The terms defined in section 2510 of title 18 have, respectively, the meanings stated in that section.

(2) The term “call-identifying information” means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier.

(3) The term “Commission” means the Federal Communications Commission.

(4) The term “electronic messaging services” means software-based services that enable the sharing of data, images, sound, writing, or other information among computing devices controlled by the senders or recipients of the messages.

(5) The term “government” means the government of the United States and any agency or instrumentality thereof, the District of Columbia, any commonwealth, territory, or possession of the United States, and any State or political subdivision thereof authorized by law to conduct electronic surveillance.

(6) The term “information services”—

(A) means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications; and

(B) includes—

(i) a service that permits a customer to retrieve stored information from, or file information for storage in, information storage facilities;

(ii) electronic publishing; and

(iii) electronic messaging services; but

(C) does not include any capability for a telecommunications carrier’s internal management, control, or operation of its telecommunications network.

(7) The term “telecommunications support services” means a product, software, or service used by a telecommunications carrier for the internal signaling or switching functions of its telecommunications network.

(8) The term “telecommunications carrier”—

(A) means a person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire; and

(B) includes—

(i) a person or entity engaged in providing commercial mobile service (as defined in section 332(d) of this title); or

(ii) a person or entity engaged in providing wire or electronic communication switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such a person or entity to be a telecommunications carrier for purposes of this chapter; but

(C) does not include—

(i) persons or entities insofar as they are engaged in providing information services; and

(ii) any class or category of telecommunications carriers that the Commission exempts by rule after consultation with the Attorney General.

(Pub. L. 103-414, title I, § 102, Oct. 25, 1994, 108 Stat. 4279.)

EFFECTIVE DATE

Section 111 of title I of Pub. L. 103-414 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [enacting this chapter and provisions set out below] shall take effect on the date of enactment of this Act [Oct. 25, 1994].

“(b) ASSISTANCE CAPABILITY AND SYSTEMS SECURITY AND INTEGRITY REQUIREMENTS.—Sections 103 and 105 of this title [enacting sections 1002 and 1004 of this title] shall take effect on the date that is 4 years after the date of enactment of this Act.”

SHORT TITLE

Section 101 of title I of Pub. L. 103-414 provided that: “This title [enacting this chapter and provisions set out as a note above] may be cited as the ‘Communications Assistance for Law Enforcement Act.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 2522.

§ 1002. Assistance capability requirements

(a) Capability requirements

Except as provided in subsections (b), (c), and (d) of this section and sections 1007(a) and 1008(b) and (d) of this title, a telecommunications carrier shall ensure that its equipment, facilities, or services that provide a customer or subscriber with the ability to originate, terminate, or direct communications are capable of—

(1) expeditiously isolating and enabling the government, pursuant to a court order or other lawful authorization, to intercept, to the exclusion of any other communications, all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities, or services of a subscriber of such carrier concurrently with their transmission to or from the subscriber’s equipment, facility, or service, or at such later time as may be acceptable to the government;

(2) expeditiously isolating and enabling the government, pursuant to a court order or other lawful authorization, to access call-identifying information that is reasonably available to the carrier—

(A) before, during, or immediately after the transmission of a wire or electronic communication (or at such later time as may be acceptable to the government); and

(B) in a manner that allows it to be associated with the communication to which it pertains,

except that, with regard to information acquired solely pursuant to the authority for pen registers and trap and trace devices (as defined in section 3127 of title 18), such call-identifying information shall not include any information that may disclose the physical location of the subscriber (except to the extent that the location may be determined from the telephone number);

(3) delivering intercepted communications and call-identifying information to the government, pursuant to a court order or other lawful authorization, in a format such that they may be transmitted by means of equipment, facilities, or services procured by the government to a location other than the premises of the carrier; and

(4) facilitating authorized communications interceptions and access to call-identifying information unobtrusively and with a minimum

of interference with any subscriber’s telecommunications service and in a manner that protects—

(A) the privacy and security of communications and call-identifying information not authorized to be intercepted; and

(B) information regarding the government’s interception of communications and access to call-identifying information.

(b) Limitations

(1) Design of features and systems configurations

This chapter does not authorize any law enforcement agency or officer—

(A) to require any specific design of equipment, facilities, services, features, or system configurations to be adopted by any provider of a wire or electronic communication service, any manufacturer of telecommunications equipment, or any provider of telecommunications support services; or

(B) to prohibit the adoption of any equipment, facility, service, or feature by any provider of a wire or electronic communication service, any manufacturer of telecommunications equipment, or any provider of telecommunications support services.

(2) Information services; private networks and interconnection services and facilities

The requirements of subsection (a) of this section do not apply to—

(A) information services; or

(B) equipment, facilities, or services that support the transport or switching of communications for private networks or for the sole purpose of interconnecting telecommunications carriers.

(3) Encryption

A telecommunications carrier shall not be responsible for decrypting, or ensuring the government’s ability to decrypt, any communication encrypted by a subscriber or customer, unless the encryption was provided by the carrier and the carrier possesses the information necessary to decrypt the communication.

(c) Emergency or exigent circumstances

In emergency or exigent circumstances (including those described in sections 2518(7) or (11)(b) and 3125 of title 18 and section 1805(e) of title 50), a carrier at its discretion may comply with subsection (a)(3) of this section by allowing monitoring at its premises if that is the only means of accomplishing the interception or access.

(d) Mobile service assistance requirements

A telecommunications carrier that is a provider of commercial mobile service (as defined in section 332(d) of this title) offering a feature or service that allows subscribers to redirect, hand off, or assign their wire or electronic communications to another service area or another service provider or to utilize facilities in another service area or of another service provider shall ensure that, when the carrier that had been providing assistance for the interception of wire or electronic communications or access to